

AANA

**FOOD & BEVERAGES
ADVERTISING & MARKETING COMMUNICATIONS CODE**

CONTEXT:

The AANA Food & Beverages Advertising & Marketing Communications Code has been drafted following a review of responses obtained from a national program of stakeholder consultations and written submissions received following an invitation for public comment.

The Code also accommodates requests flowing from a testing of the underpinning complaint adjudication mechanism by the Advertising Standards Bureau and the Advertising Standards Board.

The extensive consultation program included discussions with government representatives at Federal and State level involving meetings in Canberra, Melbourne, Adelaide, and Perth, with input also received from Tasmania and as far distant as New Zealand.

Organisations submitting formal submissions (and acknowledged within the Code) include:

Australian Consumers Association
Coalition on Food Advertising to Children
Diabetes Australia—Victoria *
National Heart Foundation of Australia
NSW Health
Queensland Health
Tasmanian Department of Health & Human Services
The Cancer Council Australia *
University of Wollongong [Centre for Health Behaviour & Communication Research]

[* Joint submission]

While several of these organisations are recognised to have policy positions opposed to industry self-regulation, most submissions generally extended some acknowledgement of industry commitment to public interest by way of the development of the AANA Food & Beverages Advertising & Marketing Communications Code.

“...we acknowledge efforts within the industry to improve self-regulation...”—Australian Consumers Association.

“... the (Queensland) Population Health Branch acknowledges the efforts of the AANA to build upon the current self-regulatory codes ...”

“It is anticipated that this Code will significantly influence socially responsible advertising and marketing practices developed and delivered by your members for food and drink products directed to children.”—NSW Health.

Several of the submissions have provided valuable considerations and contributions in relation to continuing development of the Food & Beverages Advertising & Marketing Communications Code, together with comments extending beyond advertising and marketing communication content that will be referred to the AANA Board and the Advertising Standards Bureau.

While some of the requests contained in the written submissions are contradictory (proving the impossibility of satisfying all sectors of the community), points raised by each and every submission have been incorporated in the Code.

With input from the political and general community sectors, and underpinning by key media, the AANA Food & Beverages Advertising & Marketing Communications Code represents world's best practice in the area of industry regulation.

AANA FOOD & BEVERAGES ADVERTISING & MARKETING COMMUNICATIONS CODE

Specific to food and beverages advertising and marketing communication content, this Code represents a significant extension of the multilayered system of advertising, marketing and media industry regulation in Australia.

With particular reference to the **AANA Advertiser Code of Ethics** and the **AANA Code for Advertising to Children**, and based on the recommendations of the **International Chamber of Commerce** as endorsed internationally by the **World Federation of Advertisers** and domestically by the **Australian Food & Grocery Council**, this Code is a Code of the **Australian Association of National Advertisers**, compliance with which will be administered by the **Advertising Standards Bureau** with complaints under individual provisions to be determined by the **Advertising Standards Board**.

Drawing on the **ICC International Code of Advertising Practice** and relying upon the ICC's **Framework for Responsible Food and Beverage Communications** for the guidance of Australia's self-regulatory authority, this Code has been drafted to meet ICC requirements for *"a dynamic system of industry regulation benefiting consumers, governments and businesses by providing accessible, effective, and enforceable mechanisms to determine public complaints against the content of food and beverages advertising and marketing material."*

Focused on the content of advertising and marketing material promoting food and beverage products, and recognising existing regulation governing food and beverage product manufacture and marketing, the dynamic development and direction of this Code will be influenced by ongoing expansion of the ICC framework to include:

- The ICC International Code of Sales Promotion
- The ICC International Code of Practice on Direct Marketing
- The ICC Code on Environmental Advertising
- The ICC Code on Sponsorship
- The ICC/ESOMAR International Code of Marketing and Social Research Practice

Subject to transparent consultation, review and extension processes, this Code is anticipated to ultimately cover the full spectrum of contemporary advertising and commercial communications as defined in 1.0 below, with Sections specific to sales promotion, sponsorship etc, to be progressively added subject to a process of industry negotiation and community consultation.

As presented, this Code incorporates input from a national consultation program undertaken by the AANA in conjunction with the AFGC, and from written submissions contributed by the **Australian Consumers' Association**, the **National Heart Foundation**, the **Coalition of Food Advertising to Children**, the **Cancer Council Australia**, **Diabetes Australia—Victoria**, **New South Wales Health**, the **Population Health Branch of Queensland Health**, the **Population Health Directorate of the Tasmanian Department of Health & Human Services**, and the **University of Wollongong**. Accessible for consumer comment through the websites of the AANA and ASB, further public input will be actively solicited at Code review intervals.

1: DEFINITIONS AND INTERPRETATION

1.1 In this Code, unless the context otherwise requires:

“Advertising and/or Marketing Communication” means matter which is published or broadcast using any Medium in all of Australia or in a substantial section of Australia for payment or other valuable consideration and which draws the attention of the public or a segment of it, to a product, service, person, organisation, or line of conduct in a manner calculated to promote or oppose directly or indirectly that product, service, person, organisation or line of conduct but does not include Excluded Advertising and/or Marketing Communications.

“Advertising Standards Board” means the board appointed by the Advertising Standards Bureau from time to time to administer a public complaints system in relation to Advertising and/or Marketing Communications.

“Average Consumer” means a regular adult family shopper able to compare products by label-listed definition.

“Children” means persons being 14 years old or younger.

“Excluded Advertising and/or Marketing Communications” means labels or packaging for products.

“Food and/or Beverage Products” means any food and/or beverage products other than alcoholic beverages as defined in and subject to regulation by the Alcohol Beverages Advertising Code.

“Medium” means any medium including cinema, internet, outdoor media, print, radio, television or other direct-to-consumer media.

“Prevailing Community Standards” means the community standards determined by the Advertising Standards Board as those prevailing at the relevant time in relation to the advertising and/or marketing of Food and/or Beverage Products taking into account, at a minimum, the requirements of the Australia New Zealand Food Standards Code, the Australian Dietary Guidelines as defined by the National Health & Medical Research Council and the National Physical Activity Guidelines as published by the Federal Government of Australia.

1.2 In interpreting this Code, any and all practice or explanatory notes published by AANA from time to time will be taken into account as part of this Code.

2: ALL ADVERTISING AND/OR MARKETING COMMUNICATIONS

- 2.1 Advertising and/or Marketing Communications for Food and/or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising and/or Marketing Communication with an accurate presentation of all information including any references to nutritional values and/or health benefits.
- 2.2 Advertising and/or Marketing Communications for Food and/or Beverage Products shall not undermine the importance of healthy or active lifestyles nor the promotion of health balanced diets, or encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to Prevailing Community Standards.
- 2.3 Advertising and/or Marketing Communications for Food and/or Beverage Products that include what an Average Consumer, acting reasonably, might interpret as health or nutrition claims shall be supportable by appropriate scientific evidence meeting the requirements of the Australia New Zealand Foods Standards Code.
- 2.4 Advertising and/or Marketing Communications for Food and/or Beverage Products which include nutritional or health-related comparisons shall be presented in a non-misleading and non-deceptive manner clearly understandable by an Average Consumer.
- 2.5 Advertising and/or Marketing Communications for Food and/or Beverage Products shall not make reference to consumer taste or preference tests in any way that might imply statistical validity if there is none, nor otherwise use scientific terms to falsely ascribe validity to advertising claims.
- 2.6 Advertising and/or or Marketing Communications for Food and/or Beverage Products including claims relating to material characteristics such as taste, size, content, nutrition and health benefits, shall be specific to the promoted product/s and accurate in all such representations.
- 2.7 Advertising and/or Marketing Communications for Food and/or Beverage Products appearing within segments of media devoted to general and sports news and/or current affairs, shall not use associated sporting, news and/or current affairs personalities, live or animated, as part of such Advertising and/or Marketing Communications without clearly distinguishing between commercial promotion and editorial or other program content.
- 2.7 Advertising and/or Marketing Communications for Food and/or Beverage Products not intended or suitable as substitutes for meals shall not portray them as such.
- 2.8 Advertising and/or Marketing Communications for Food and/or Beverage Products must comply with the AANA Advertiser Code of Ethics and the AANA Code for Advertising to Children.

3: ADVERTISING AND CHILDREN

- 3.1 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall be particularly designed and delivered in a manner to be understood by those Children, and shall not be misleading or deceptive or seek to mislead or deceive in relation to any nutritional or health claims, nor employ ambiguity or a misleading or deceptive sense of urgency, nor feature practices such as price minimisation inappropriate to the age of the intended audience.
- 3.2 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not improperly exploit Childrens' imagination in ways which might reasonably be regarded as being based upon an intent to encourage those Children to consume what would be considered, acting reasonably, as excessive quantities of the product/s.
- 3.3 Advertising and/or Marketing Communications directed towards Children for any Food and/or Beverage Product shall not state nor imply that possession or use of a particular product will afford physical, social or psychological advantage over other Children, or that non-possession of the product would have the opposite effect.
- 3.4 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not aim to undermine parents and/or other adults responsible for a child's welfare in their role of guiding diet and lifestyle choices.
- 3.5 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not include any appeal to Children to urge parents and/or other adults responsible for a child's welfare to buy particular products for them.
- 3.6 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products shall not use popular personalities or celebrities (live or animated) to advertise or market products, premiums or services in a manner that obscures the distinction between commercial promotion and program or editorial content.
- 3.7 Advertising and/or Marketing Communications directed towards Children for Food and/or Beverage Products or services shall not feature ingredients or premiums that are not an integral element of the product/s or service/s being offered.

This Code has been drafted in accord with the view of the International Chamber of Commerce that it is in the best interests of communities to avoid excessive regulation in the field of advertising and commercial communications that would hinder free trade and affect economic growth and development.

The intent is to provide a level of industry regulation that ensures that advertising and marketing communications of food and beverage products remains within the bounds of prevailing community standards consistent with the ICC advocacy of responsible advertising under accepted codes of business practice in preference to advertising bans and other restrictions on commercial communications which the international agency has identified as acting to distort free trade.